



2FW

## PATENT

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#### In re Application of:

Komatsuda et al.

**Serial No.:** 10/553,723

**Filed:** February 23, 2006

**For:** METHODS OF IDENTIFYING SPIKE MORPHOLOGY AND FUSARIUM HEAD BLIGHT RESISTANCE, AND THE USE OF THESE METHODS FOR IMPROVING BARLEY AND RELATED TRITICEAE PLANTS (AS AMENDED)

**Confirmation No.:** 6602

**Examiner:** To be assigned

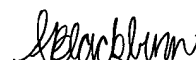
**Group Art Unit:** 1638

**Attorney Docket No.:** 3240-7498US

#### CERTIFICATE OF MAILING

I hereby certify that this correspondence along with any attachments referred to or identified as being attached or enclosed is being deposited with the United States Postal Service as First Class Mail on the date of deposit shown below with sufficient postage and in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

July 31, 2006  
Date

  
Signature

Aubry Blackburn  
Name (Type/Print)

### REQUEST FOR CORRECTED FILING RECEIPT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Attached is a copy of the official filing receipt received from the PTO in the above application.

The errors to be corrected are as follows:

#### TITLE CORRECTION:

In the Title, please change "METHODS OF DISTINGUISHING EAR SHAPE AND RESISTANCE AGAINST GIBBERELLA ZEAE AND METHOD OF IMPROVING BARLEY PLANT USING THE SAME" to -- METHODS OF IDENTIFYING SPIKE MORPHOLOGY

**Serial No.: 10/553,723**

AND FUSARIUM HEAD BLIGHT RESISTANCE, AND THE USE OF THESE METHODS  
FOR IMPROVING BARLEY AND RELATED TRITICEAE PLANTS –

The title was amended on Page 2 of a Preliminary Amendment filed on October 14, 2005.

A copy of Page 2 is enclosed.

Issuance of a corrected filing receipt in accordance with the annotations on the attached  
filing receipt copy is respectfully requested.

Respectfully submitted,



Allen C. Turner  
Registration No. 33,041  
Attorney for Applicants  
TRASKBRITT, P.C.  
P.O. Box 2550  
Salt Lake City, Utah 84110-2550  
Telephone: 801-532-1922

Date: July 28, 2006  
ACT/alb

Enclosure: Copy of Official Filing Receipt with annotations correcting errors  
Copy of Page 2 of Preliminary Amendment filed October 14, 2005

Document in ProLaw



RECEIVED

Page 1 of 3

JUL 25 2006

TRASKBRITT, PO

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT. CLMS	IND. CLMS
10/553,723	02/23/2006	1638	1980	3240-7498US	4	39	3

CONFIRMATION NO. 6602

24247  
TRASK BRITT  
P.O. BOX 2550  
SALT LAKE CITY, UT 84110

## FILING RECEIPT



\*OC000000019539344\*

Date Mailed: 07/13/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Takao Komatsuda, Ibaraki, JAPAN;  
Badraldin Ebrahim Sayed-Tabatabaei, Ibaraki, JAPAN;  
Congfen He, Ibaraki, JAPAN;

## Assignment For Published Patent Application

National Institute of Agrobiological Sciences, Ibaraki, JAPAN

Power of Attorney: The patent practitioners associated with Customer Number 24247.

## Domestic Priority data as claimed by applicant

This application is a 371 of PCT/JP04/05407 04/15/2004

## Foreign Applications

JAPAN 2003110682 04/15/2003

If Required, Foreign Filing License Granted: 07/08/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/553,723**

Projected Publication Date: 10/19/2006

Non-Publication Request: No

Early Publication Request: No

Title

Methods of identifying spike morphology and fusarium head blight resistance, and the use of these methods from improving barley and triticeae plants  
~~Methods of distinguishing ear shape and resistance against gibberella zeae and method of improving barley plant using the same~~

Preliminary Class

800

## PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

---

### LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

### GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted.

---

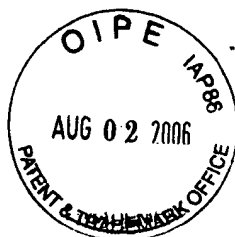
under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



**COPY**

IN THE TITLE:

Please amend the title as indicated below:

**METHODMETHODS OF DISTINGUISHING EAR SHAPE IDENTIFYING SPIKE**  
**MORPHOLOGY AND FUSARIUM HEAD BLIGHT RESISTANCE, AGAINST**  
**GIBBERELLA ZEAE AND METHOD THE USE OF THESE METHODS FOR**  
**IMPROVING BARLEY PLANT USING THE SAME AND RELATED TRITICEAE**  
**PLANTS**